



**LANGLEY
POLICY
DIRECTIVE**

**Directive: LAPD 3630.3
Effective Date: July 22, 2004
Expiration Date: June 25, 2006**

Responsible Office: Office of Human Resources

Subject: Attendance and Leave

1. PURPOSE

This directive sets forth criteria and procedures for the administration of attendance and leave for the Langley Research Center (LaRC).

2. GENERAL POLICY

LaRC will:

- a. Comply with the Code of Federal Regulations (CFR), Federal Law, and applicable NASA regulations.
- b. Administer the laws and regulations relating to attendance and leave in a manner which serves the best interest of LaRC with due regard for the well being of its employees.

3. APPLICABILITY

This directive is applicable to all NASA LaRC employees.

4. AUTHORITY

- a. Title 5, U. S. Code, Part 111, Subpart E, Chapters 61 and 63.
- b. Title 5, CFR, Parts 550, 551, 610 and 630.
- c. Family and Medical Leave Act.
- d. Federal Employees' Family Friendly Leave Act.
- e. Public Law 105-18 added Section 6391 to Title 5, U.S.C.

5. REFERENCES

- a. NPD 3000.1, "Management of Human Resources."
- b. NPR 3600.1, "Attendance and Leave."

- c. LAPD 3410.1, "Employee Development and Training."
- d. LMS-CP-3312, "Time and Attendance (T&A) Preparation and Processing."
- e. SF 71, "Request for Leave or Approved Absence."
- f. LF 54, "Request for Special Leave or Excused Absence."
- g. LF 197, "Voluntary Leave Transfer Program Application."
- h. LF 199, "Request to Donate Annual Leave to Leave Recipient Under the Leave Transfer Program."
- i. LF 382, "Application to Become a Leave Recipient Under the Emergency Leave Transfer Program."
- j. LF 383, "Request to Donate Annual Leave to Leave Recipient (Outside Agency) Under The Leave Transfer Program."
- k. LF 384, "Request to Donate Annual Leave Under the Emergency Leave Transfer Program."
- l. LF 385, "Record of Employee's Use of Family and Medical Leave."

6. Responsibilities

- a. Heads of Organizational Units
 - 1) Inform employees of work schedules, if appropriate.
 - (2) Inform employees of changes in workweek or work schedules prior to the beginning of the administrative workweek in which the change occurs.
 - (3) Supervisors should have positive knowledge of employees' presence and absence.
 - (4) Assist employees in planning and scheduling annual leave to provide reasonable vacation periods, and to ensure the use of leave employees might otherwise forfeit.
 - (5) Certify employees' T&A and corrections.
 - (6) Determine that the circumstances of an employee's absence are appropriate for the use of sick leave.
 - (7) Approve voluntary shift changes for personal reasons.

(8) Approve an extended lunch period for physical fitness activities or for other personal reasons.

b. Head, Office of Human Resources (OHR)

(1) Approve advanced sick leave.

(2) Approve leave without pay in excess of 30 calendar days.

(3) Approve restoration of annual leave that is forfeited at the end of the leave year when forfeiture is caused by an exigency of the public business, administrative error, or sickness that prevented use of scheduled annual leave.

c. Head, Personnel Operations Branch (POB)

(1) Approve leave for registering and voting (in excess of standard).

(2) Approve leave for blood donation (in excess of standard).

(3) Approve excused absence of individual employees when weather and other uncontrollable events do not involve the entire Center.

(4) Approve leave for civil defense activity.

(5) Approve leave for military funeral participation.

(6) Approve the assignment of an employee or group to a workweek other than Monday through Friday.

(7) Approve the temporary assignment of an employee or group to a nonstandard shift or workweek for more than one biweekly pay period for work-related reasons.

(8) Approve the assignment of an employee or group to a First 40-Hour Tour of Duty when it is determined impractical to establish a regularly scheduled workweek.

(9) Change standard hours of duty as described in Appendix B, "Hours of Duty."

7. CANCELLATION

LHB 3630.3, dated February 1996, is superseded and should be destroyed.

Jeremiah F. Creedon
Director

Appendices A-J

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Appendix B - Hours Of Duty

1. Purpose

This appendix sets forth the policies and regulations governing the hours of duty at this Center, and definitions, criteria, and policy for requesting deviations to hours of duty.

2. Definitions

- a. **Administrative Workweek.** The period of 7 consecutive days beginning at 12:01 a.m. Sunday and ending at 12 midnight the following Saturday. Each pay period consists of two administrative workweeks.
- b. **Basic Workweek.** A 40-hour week consisting of five 8-hour days, Monday through Friday, plus a daily 30-minute, nonpaid lunch period during which the employee is duty free.
- c. **Tour of Duty.** The days of the administrative workweek (a weekly tour of duty) and the hours of a day (work shift) that are scheduled in advance and during which an employee is required to work.

3. Basic Workweek

- a. The basic workweek for this Center is Monday through Friday. Requests for approval of deviations from the basic workweek require the written approval of the Head, OHR, before implementation. Except where it is determined by the Head, OHR, that the Center would be seriously handicapped in carrying out its functions, or that costs would be substantially increased, the following shall apply:
 - (1) The 2 days outside the basic workweek will be consecutive.
 - (2) When employees work other than a basic workweek of Monday through Friday, the first scheduled nonworkday shall be considered to correspond with Sunday and the second scheduled nonworkday shall be considered to correspond with Saturday.
 - (3) The occurrence of a holiday shall not affect the designation of the basic workweek.
 - (4) Breaks in working hours of more than 1 hour shall not be scheduled in any workday.

4. Variable Day - (See Appendix C, Variable Day)

5. Standard Shift Hours

- a. The approved standard work shifts for this Center are:

6:00 a.m. to 2:30 p.m.
6:30 a.m. to 3:00 p.m.
7:00 a.m. to 3:30 p.m.
7:30 a.m. to 4:00 p.m.
8:00 a.m. to 4:30 p.m.
3:15 p.m. to 11:45 p.m.
3:30 p.m. to 12:00 midnight
11:30 p.m. to 7:30 a.m.
12:00 midnight to 8:00 a.m.

6. Shift Changes

- a. Notification Requirement. Supervisors are to inform employees of:

- (1) Work shifts, if appropriate.
- (2) Changes in workweek or work shift prior to the beginning of the administrative workweek in which the change occurs.

Note: 5 CFR 610.121 allows for an exception to this notification requirement when it is determined that the Center would be seriously handicapped in carrying out its mission or that costs would be substantially increased. OHR should be consulted prior to applying this exception to ensure collective bargaining responsibilities with local unions are met.

- b. One Standard Shift to Another Standard Shift. Supervisors may change employees from one standard work shift to another standard work shift. A notation of this change is to be made by a remark in the Time and Distribution System (TADS).

- c. Standard Shift to Nonstandard Shift (Work-Related Reasons)

- (1) Emergencies or other unusual conditions may necessitate a temporary deviation from a standard shift to a nonstandard shift. Supervisors may assign an employee or group of employees to an 8.5-hour nonstandard shift (including one-half-hour duty-free lunch), not to exceed one biweekly pay period. A notation of this change is to be made by a remark in TADS.

- (2) Changes beyond one biweekly pay period require the approval of the Head, POB. A written request must be submitted to this office, through appropriate management channels. Include the reasons for the nonstandard shift, names and titles of employees to be assigned, and the dates when the change will begin and end.

(3) Approvals for nonstandard shifts for work-related reasons will be limited to a maximum of 1 year for each request.

d. Shift Changes for Personal Reasons. Changes in an employee's work shift for personal reasons are to be made as follows:

(1) A change from one shift to another shift. Employee makes oral request and obtains oral approval of the supervisor. A notation should be made by a remark in TADS.

(2) Factors which the supervisor should consider are:

(a) Employee's reason for the change.

(b) Whether the change will adversely impact the employee's job assignment or interfere with the timely accomplishment of the Center's mission.

(c) Opening and closing time of the facility in which the employee works, and whether there will be other employees in the facility in situations where the employee will be performing potentially hazardous work.

e. Changes for Educational Purposes. The information in this section applies only to training which is on an employee's own time.

(1) Supervisors may reassign an employee upon the employee's request from one standard shift to another standard shift to enable the employee to take (or teach) a course at a nearby college, university, or other educational institution. The Head, POB, is authorized to approve special shift hours for educational purposes. Written requests are to be submitted through the employee's management chain.

(2) Requirements. Tours of duty approved under authority of this section may not be less than 40 hours per week. Approval is also subject to a determination that:

(a) The rearrangement of the employee's tour of duty will not appreciably interfere with the accomplishment of the employee's work.

(b) Additional costs for personal services will not be incurred.

(c) Completion of courses will improve employee performance or prepare the employee for teaching courses beneficial to the Center.

(3) Entitlement to Premium Pay. An employee whose work schedule is temporarily changed solely for their convenience is not entitled to premium pay.

f. Changes for Part-Time Employees. Work schedules for part-time employees may not be changed without the approval of the Head, POB. Written requests through appropriate channels should be submitted with name of the employee, reason for the change, and beginning and ending dates.

g. Hours of Duty for Employees on Full-Time Fellowships and Inter-Governmental Personnel Act (IPA) Assignments.

(1) The daily and weekly work schedules of LaRC employees on full-time assignments away from the Center will be that of the institution to which assigned. A full-time assignment is 8 hours a day, 40 hours a week. Overtime hours must be officially ordered and approved in advance of being worked. Employees will be excused from duty on all Federal holidays without charge to leave, or when appropriate, they will receive holiday pay for work performed on a Federal holiday. Employees may be excused by their institutional employer from duty on a state or local holiday without charge to leave, but are not entitled to premium pay if required to work on such a day.

(2) If employees have to leave the institution for personal reasons (that is, Thanksgiving or Christmas break, personal illness, and so forth), they must notify the T&A Clerk so that their leave status can be recorded. If the institution has an academic recess period as part of its normal schedule, it is expected that employees will remain in a work status and carry out their normal duties during this period.

h. First 40-Hour Tour of Duty

(1) General. When it is impracticable to prescribe a regular schedule of definite hours of duty for each workday of the regular workweek, an employee may be assigned to work an irregular tour of duty, in which case the first 40 hours worked constitute the basic workweek. Such duty must be completed in a period of not more than 6 days of the administrative workweek.

(2) Approval. Written requests for First 40-Hour Tour of Duty approval are to be submitted through channels to the Head, POB, and must include: a description of the specific condition which makes it impracticable to prescribe a regular schedule of hours; the names, titles, and grades of employees who will be assigned; and the length of the assignment. Approvals will be limited to 1 year for each request.

(3) Holidays. Employees assigned to work a First 40-Hour Tour of Duty will observe holidays on the same days as employees who work regular tours of duty.

i. Brief Periods of Absence or Tardiness. Unavoidable or necessary absences of less than 1 hour may be excused; charged to available compensatory time or annual leave; or, if leave is not available, charged to leave without pay. If the leave charge exceeds the period of absence or tardiness, the employee will not be required to work for any part of the leave period charged against the employee's account.

7. Lunch Periods

a. Nonpaid Lunch Period. Except as provided in b. below, each employee's daily tour of duty will include a 30-minute nonpaid duty-free lunch period. The lunch period should be scheduled or taken near the midpoint of the employee's workday.

Employees should not be required to work more than 6 hours without a lunch break.

b. Paid Lunch Period. Employees assigned to shifts beginning at 11:30 p.m. or at 12 midnight, and employees assigned to around-the-clock 8-hour shifts, will be allowed a 20-minute paid lunch break during which the employee is not duty free.

8. Night Duty

a. When a General Schedule (GS) employee performs regularly scheduled work at night, the employee is entitled to pay at the employee's rate of basic compensation plus a premium pay of 10 percent of the basic rate. Night pay differential is credited only for those hours of work performed between 6 p.m. and 6 a.m.

b. Definition of Regularly Scheduled Work. To constitute regularly scheduled work for entitlement to night pay differential, the Comptroller General of the United States has ruled that the work must be authorized and scheduled in advance. A notation made by a remark in TADS indicating when the employee is next scheduled to work is considered sufficient documentation for entitlement to night pay differential.

c. Leave and Holidays. Regularly scheduled night duty includes periods of absence with pay during holidays. It also includes periods of leave with pay if the leave during the pay period totals less than 8 hours.

9. Stand-By Duty

a. Stand-by duty requires an employee to remain at a duty station or in a designated area while awaiting a call to perform actual work. Such an employee is considered to be in a work status for all the hours he/she is required to stand by. When stand-by duty covers a period of 24 consecutive hours, except in cases of emergency, 8 of the 24 hours will be allowed for sleeping and eating, and these 8 hours are not hours of work.

10. Sunday Duty

a. An employee working a regular tour of duty, any part of which falls on Sunday, is entitled to pay for the entire period of service at the rate of the employee's basic pay plus 25 percent. Sunday differential is not payable for overtime hours performed on Sunday.

11. Holidays

a. LaRC observes the following holidays:

New Year's Day, January 1
Martin Luther King, Jr.'s Birthday, third Monday in January
Presidents' Day, third Monday in February
Memorial Day, last Monday in May
Independence Day, July 4
Labor Day, first Monday in September
Columbus Day, second Monday in October
Veterans Day, November 11
Thanksgiving Day, fourth Thursday in November
Christmas Day, December 25

b. Entitlement. Full-time Civil Service employees are entitled to receive their regular straight time pay when they observe the holidays listed above and any prescribed in the future by law or Executive Order. Included are all full-time employees paid on a per-annum basis, and those paid on a daily, hourly, or piecework basis who are serving under appointments which are not limited to 90 days or less or who have been currently employed under one or more appointments for a continuous period of 90 days or more. Part-time employees are entitled to receive their regular straight time pay when they observe the holidays listed above and any prescribed in the future by law or Executive Order. For example, if an employee works 32 hours per week and their schedule is as follows: Monday - Thursday, 8 a.m. - 4:30 p.m., and the holiday falls on a Monday, then that employee is entitled to 8 hours for the holiday. If, with the same schedule, the holiday falls on a Friday, then the employee is NOT entitled to hours for the holiday.

c. Determining Holidays

(1) Employees with Monday through Friday workweeks:

(a) Saturday Holiday. When a holiday falls on Saturday, the preceding Friday is considered the holiday.

(b) Sunday Holiday. When a holiday falls on Sunday, the following Monday is considered the holiday.

(2) Employees with other than Monday through Friday workweeks:

(a) When a holiday falls on the regular day off instead of Saturday, the workday immediately preceding the regular day off is the holiday.

(b) When a holiday falls on the regular day off instead of Sunday, the workday immediately following the regular day off is the holiday.

d. Unauthorized Absence on Holidays. Employees who fail to report for duty on a holiday occurring during a basic workweek when ordered to do so will be subject to loss of pay for the entire day unless subsequent investigation of the circumstances warrants an excuse of the absence.

12. Travel On Official Time

a. General Policy. To the maximum extent possible, time spent by an employee traveling is to be scheduled within the basic workweek.

b. Employees may be entitled to Overtime Pay for Travel only if it:

(1) Involves the performance of work while traveling (such as driving a truck).

(2) Is incident to travel that involves the performance of work while traveling (such as deadhead travel in order to drive an empty truck back to the point of origin).

(3) Is carried out under arduous conditions (e.g., on unpaved roads; more arduous than heavy traffic, long distances, cold weather, etc.).

(4) Results from an event, which could not be scheduled or controlled administratively (such as training scheduled solely by a private firm or a job-related court appearance required by a court subpoena).

(5) In addition, employees covered by the Fair Labor Standards Act (nonexempt) may be entitled to overtime on travel during corresponding regular working hours on nonwork days, and on 1-day travel outside of regular hours.

Appendix C - Variable Day Schedule

This appendix sets forth the purpose, definitions, responsibilities, and general provisions for the utilization of the Variable Day Schedule (VDS) at LaRC. It is expected that the VDS will be the most frequently used work schedule at this Center.

1. Purpose

- a. The VDS is a method by which the needs of the work unit will be met, while enabling the employee a degree of flexibility in meeting personal/family demands as well.

2. Definitions

- a. The VDS is an alternative work schedule in which an employee may vary the number of hours worked on a given workday. The workday is divided into two types of time: core time and flexible time bands.
- b. Core Time Band. That part of the day in which an employee is required to be at work or on approved absence.
- c. Flexible Time Bands. An element of time that allows an employee to vary arrival at work and departure from work on a daily basis, without supervisory approval. However, the supervisor can require employees to work during any time band based on the work requirements.

3. Responsibilities

- a. Heads of Organizational Units
 - (1) Determine appropriate work schedules.
 - (2) Ensure employees work within the system, time is recorded properly, and T&A records are certified.
 - (3) Have authority to require employees to be on duty as needed on an individual basis.
 - (4) Have authority to rescind the VDS when deemed appropriate.
- b. Employee
 - (1) Ensure that the T&A is accurately recorded.

(2) Has responsibility for scheduling his/her work during the flexible time bands, Monday through Friday, to ensure that he/she does not exceed 40 hours in the workweek without supervisory approval.

4. General Provisions

a. General. Employees in LaRC bargaining units who are on standard or nonstandard tours of duty, and those employees who are assigned to shift work where alternative work schedules would not be feasible, will be governed by existing contract provisions on hours of duty, shift work, and premium pay.

b. Basic Work Requirement

(1) An employee will have a basic work requirement of 40 hours per week and 80 hours per biweekly pay period.

(2) Core hours for the Center will be from 9 a.m. to 3 p.m., Monday through Friday, including a one-half hour lunch period.

(3) Flexible time bands will be from 6 a.m. to 9 a.m. and from 3 p.m. to 6 p.m.

(4) Center policy requires attendance during core hours, Monday through Friday. A supervisor may approve an employee's request to be absent during core time, but such absence shall be made up by the employee during the administrative workweek in which the absence occurred or by a charge to an appropriate leave category or credit hours. In rare cases, supervisors may waive the core hour requirement if the employee has completed 40 hours of work for the workweek.

(5) Work performed outside of the flexible time bands (before 6 a.m. or after 6 p.m.) requires supervisory approval.

(6) When feasible to apply the VDS to shift operations, the following guidelines will be used in setting core time and flexible time bands:

(a) Management will determine the hours of operation needed for additional shifts.

(b) Once the shift hours are determined, management will identify the midpoint of the shift. The midpoint will be used to establish the starting and ending time of the VDS time band, with approximately 6 hours being before the midpoint and 6 hours after the midpoint. The core time band of 6 hours will begin approximately 3 hours before the midpoint and end approximately 3 hours after the midpoint. Flexible time bands of approximately 3 hours duration will be set at the beginning and end of the variable time band.

c. Credit Hours

- (1) Hours of work which are in excess of the 40-hour basic work requirement and which the employee elects to work so as to vary the length of a workday or a workweek.
- (2) Credit hours are nonovertime work for which the employee receives no additional pay and are credited to the employee's "account."
- (3) Accrual of all credit hours shall be subject to supervisory approval.
- (4) Use of credit hours shall be subject to supervisory approval, as with annual leave.
- (5) For a full-time employee, a maximum of 24 credit hours may be accumulated and carried forward from pay period to pay period. For a part-time employee, one quarter of the biweekly scheduled work hours will be the maximum number of credit hours allowed for accumulation.
- (6) Although subject to supervisory approval, there is no prescribed limit to daily accrual or utilization rate of credit hours. However, safety regulations may limit the number of hours an employee may spend on a particular task or project.
- (7) An employee will be paid for unused credit hours upon resignation, retirement, or transfer to another agency.
- (8) Senior Executive Service (SES) employees may not earn credit hours.

d. Premium Pay

- (1) Overtime will be paid for any hours worked, officially ordered and approved in advance, in excess of 8 in a day or 40 for the week. If the hours ordered to be worked are not in excess of 8 in a day or 40 in a week at the time they are performed, the employee may:
 - (a) Take off from work on a subsequent workday for a period of time equal to the number of extra hours of work ordered; or
 - (b) Complete the basic work requirement as scheduled, and the extra hours may be counted as credit hours; or
 - (c) Complete the basic work requirement as scheduled, and the resulting hours worked beyond the employee's basic work requirement may be compensated as overtime hours.

(2) Compensatory time off may be requested in lieu of overtime pay for those employees who are not normally paid overtime, or for those who prefer compensatory time off to overtime pay.

(3) Night differential pay will not be paid to an employee who has core hours established between 9 a.m. and 3 p.m., but elects to work between 6 p.m. and 6 a.m.

e. Absence and Leave

(1) Time off during an employee's basic work requirement will be charged to the appropriate leave category using the 8-hour day as the frame of reference in determining the amount of leave to charge an employee. Pro rata adjustments will be made for permanent part-time employees based upon the number of scheduled work hours.

(2) Leave of any kind (sick leave or annual leave) may not be used solely to generate an entitlement to credit hours. If an employee's absence occurs before he or she has worked 40 hours of a particular workweek, an employee may request up to 8 hours of leave for the absence as long as the leave charge does not cause the employee to exceed 40 hours for the week. If, subsequent to that absence and with supervisory approval, the employee actually works more than 40 hours for the week, the employee may elect to apply the excess time worked either to reduce the leave charged for their absence or to earn credit hours.

(3) Examples:

(a) An employee has accrued 34 hours for the workweek by the time they depart work on Thursday. If the employee is absent on Friday due to illness or election of annual leave, then that employee will only be charged 6 hours of the appropriate leave in order to meet the 40 hour workweek requirement. An employee would NOT be entitled to or allowed an 8 hour leave charge for the period absent on Friday since only 6 hours would be needed to meet the 40 hour workweek requirement.

(b) An employee works 12 hours on Monday. If the employee is absent on approved leave on Tuesday, he or she may use up to 8 hours of leave for the period absent on Tuesday since the leave charged on Tuesday would not cause the employee to exceed the 40 hour workweek requirement. The employee, with supervisory approval, then elects to work 10 hours each day on Wednesday and Thursday, which completed the employee's workweek requirement.

NOTE: Supervisory approval is needed in order for the employee to work 10-hour days on Wednesday and Thursday as the employee will complete his or her workweek at close of business on Thursday. In order for the employee to be absent on Friday, supervisory approval is required for the hours between 9 a.m. and 3 p.m. Also, supervisory approval is required for the employee to work on Friday, as he or she would be earning credit hours, which is regulated by the supervisor.

(c) An employee, in order to earn credit hours and with supervisory approval, completes 42 hours of work by the close of business on Thursday. If the employee is absent on Friday due to illness or due to the election of annual leave, NO leave will be charged for Friday's absence. The employee has met his or her 40-hour workweek requirement. The employee does receive 2 hours of credit hours, compensatory time, or overtime for any hours worked over 40 during 1 workweek.

NOTE: Although sick or annual leave could not be granted for Friday's absence, the employee must obtain supervisory approval for the absence between the hours of 9 a.m. and 3 p.m., core time.

f. Weather or Other Emergencies

(1) If the Center is closed for an entire workday, employees will receive 8 hours of excused absence for that day. If the absence causes employees to exceed basic work requirement, the excess time can be applied to credit hours but it cannot be used for overtime hours.

(2) If the Center closes early, an 8-hour day will be used as a basic workday requirement. (For example, if an employee reports to work at 7 a.m. and the Center closes at 10 a.m., employee will be credited with 3 regular hours and 5 excused absence hours.) If employees leave before the announced dismissal time, they will be charged with leave or credit hours up to the dismissal time and then receive an excused absence to complete an 8-hour day. (For example, if an employee reports at 7 a.m. and leaves at 9 a.m. when the Center closes at 10 a.m., the employee will receive 2 regular hours and 5 excused absence hours, and the employee will be charged with 1 hour of appropriate leave.)

(3) Employees already on leave approved prior to the announced closure will be charged the amount of leave requested for that day unless the reason for their absence is directly related to the reason for the Center's closure.

g. Delayed Openings

(1) The VDS day shift will be considered to begin at 8 a.m. Therefore, when the Centers opening is delayed until 10 a.m., those VDS employees who do not report until 10 a.m. will be credited with 2 hours of excused absence.

(2) VDS employees reporting between 8 a.m. and 10 a.m. will receive an excused absence on a pro rata basis. For example, VDS employees reporting at 8:30 a.m. will receive one-half hour of excused absence to add to their workday; VDS employees reporting at 9 a.m. will receive credit for 1 hour of excused absence, etc.

(3) VDS employees reporting before 8 a.m. will receive credit for all time actually worked, but will not receive credit for excused absence.

(4) VDS employees who do not report for work will be charged leave from an appropriate leave account (e.g. annual, sick, LWOP) from the time set for the delayed opening. The amount of leave charged will be sufficient for the employee to complete an 8-hour workday, unless fewer hours are needed to complete a 40-hour workweek. Employees may elect to use credit hours in lieu of leave to cover their absence. Employees on leave approved prior to the announcement of the delayed opening will be charged the amount of leave requested for that day unless the reason for their absence is directly related to the reason for the delayed opening.

(5) All other rules pertaining to VDS will remain in effect.

h. Blood Donation. If an employee donates blood to an authorized (LaRC approved) blood collection agency, the employee will be allowed up to 4 hours of excused absence to recuperate. These 4 hours must be taken consecutively, and they begin when the employee leaves their workstation. If the employee returns to work after the authorized 4-hour excused absence, the employee will be credited with the total number of hours they actually worked in addition to the 4 hours of excused absence. If the employee does not return to work, their actual hours worked that day are added to the hours used for their authorized excused absence (up to 4 hours). This total cannot exceed 8 hours. If the employee has already worked 8 hours before donating blood, they will not receive an excused absence.

i. Voting. The election polls in Virginia are open from 6 a.m. to 7 p.m. By using the flexible starting and stopping times of 6 a.m. to 9 a.m. and 3 p.m. to 6 p.m., employees will now be able to vote without needing to request time off during the core time of 9 a.m. to 3 p.m. Therefore, employees will not receive an excused absence for voting.

j. Tardiness and Other Absences. Absences from the core time requirement may be charged to leave or to credit hours, or with supervisory approval, may be made up during the administrative workweek.

k. Jury Duty. An 8-hour day will be used to determine employees' amount of excused absence. If employees are excused from jury duty with less than 3 hours remaining in the Center's official workday of 8 a.m. to 4:30 p.m., they are not required to report for duty and will be granted a maximum of 8 hours of excused absence. If employees are excused from jury duty with more than 3 hours remaining in the official workday, they should report to duty or have approval to be absent. If employees elect to return to duty, they will be credited with the total number of hours actually worked that day in addition to the excused absence.

I. Travel Time

(1) When VDS employees are on travel, their hours of duty will be recorded as 8 a.m. to 4:30 p.m. on the days of travel to and from their destination. On days at their travel destination, employees will record their actual time working while at the temporary duty (TDY) point.

(2) An employee may not earn credit hours for travel because travel in connection with Government work is not voluntary in nature. In other words, travel itself does not meet the definition of credit hours in 5 U.S.C. 6121(4), which provides that credit hours are hours within a flexible work schedule in excess of the employee's basic work requirement which the employee elects to work so as to vary the length of a workweek or a workday. If travel time creates overtime hours of work, the employee must be compensated by payment of overtime pay or under the rules for granting or requiring compensatory time off.

(3) It is the policy of LaRC that supervisors and employees should work together to plan and schedule travel during the official hours of duty. If possible, employees should not be required to travel during nonduty hours.

(4) Travel Time as Hours of Work

(b) See 5 CFR 550.112(g) for employees exempt from coverage of the Fair Labor Standards Act (FLSA).

(b) See 5 CFR 551.422 for employees who are covered by (nonexempt) the FLSA.

(5) Examples:

(a) Two travelers leave on Sunday at 8 a.m. and arrive at the TDY station at 8 p.m. One of the travelers is exempt and the other is nonexempt.

(1) The exempt traveler may NOT record their travel time as the workweek is Monday through Friday.

(2) The nonexempt traveler may record those hours that were traveled during the hours of 8 a.m. and 4:30 p.m. as time worked. If this traveler had left at 3:30 p.m. on Sunday and arrived at 8 p.m., then the travel time recorded would be 1 hour, from 3:30 p.m. to 4:30 p.m.

(b) Any traveler departs on Monday at 8 a.m. and arrives at their duty station at 5 p.m.

(1) The exempt and nonexempt traveler may record their hours between 8 a.m. and 4:30 p.m.

(c) Traveler departs on Monday at 8 a.m. and arrives at the duty station at 5 p.m. The traveler then goes to the work site and works from 7 p.m. to 10 p.m.

(1) Exempt and nonexempt traveler may record their time between 8 a.m. and 4:30 p.m. and between 7 p.m. and 10 p.m. as time worked. This would give each employee a total of 11 hours of time worked for the day.

(d) The traveler has 32 hours of work as of Thursday at 4:30 p.m. On Friday, the traveler is at work from 8 a.m. to 11 a.m., the traveler departs at 12 p.m. and travels until 6:30 p.m.

(1) Exempt and nonexempt employees may record 8 hours of work between the hours of 8 a.m. and 4:30 p.m. The time from 4:30 p.m. to 6:30 p.m. may NOT be recorded as work (overtime) because the travel does not qualify as work unless it meets one of the requirements in Title 5.

(e) A traveler has 38 hours of work as of Thursday at 4:30 p.m. On Friday, the traveler works from 8 a.m. to 11 a.m., at 12 p.m. the employee travels via air until 6:30 p.m.

(1) Exempt and nonexempt traveler may record 2 hours as work from 8 a.m. to 10 a.m. One hour of credit time, compensatory time, or overtime may be recorded from 10 a.m. to 11 a.m. The travel time from 12 p.m. to 6:30 p.m. may NOT be recorded unless it meets one of the requirements in Title 5.

Appendix D - Absence and Leave

1. Purpose

a. This appendix sets forth the policies and responsibilities for the administration of all types of leave which may be granted to eligible LaRC employees.

2. Administrative Responsibilities

a. Supervisors

(1) All supervisors are responsible for the administration of leave within their respective areas consistent with LaRC policy and applicable laws and regulations.

(2) Supervisors are to assist employees in planning and scheduling annual leave to provide reasonable vacation periods and to ensure the use of leave which might otherwise be forfeited.

b. Other Approval. Certain types of leave and absence require approval by the Head, OHR, or other officials. When such additional approvals are required, this is indicated in the appropriate sections of this Appendix.

3. Annual Leave

a. Earning Leave

(1) Employees earn annual leave while in a pay status or a combination of pay status and nonpay status according to their creditable service.

(2) Annual leave accrues and is credited to employees as follows:

(a) Full-time employees with:

(1) Less than 3 years of service earn 4 hours for each biweekly pay period.

(2) Three years but less than 15 years of service earn 6 hours for each full biweekly pay period except that the accrual for the last full biweekly pay period in the calendar year is 10 hours.

(3) Fifteen years or more service earn 8 hours for each full biweekly pay period.

(b) Part-time employees with a regularly assigned tour of duty on at least 1 day of each week in the pay period earn annual leave as follows:

(1) Less than 3 years of service earn 1 hour for each 20 hours in a pay period.

(2) Three years but less than 15 years of service earn 1 hour of annual leave for each 13 hours in a pay period.

(3) Fifteen years or more of service earn 1 hour of annual leave for each 10 hours in a pay period.

(3) Maximum Accumulation. Employees within the United States are entitled to accumulate a maximum of 30 days (or 240 hours) annual leave.

(4) Members of the SES are entitled to accumulate a maximum of 90 days (720 hours) of annual leave or the amount of accumulated leave to the employee's credit as of October 14, 1994. As accumulated leave in excess of the authorized maximum is used, the leave ceiling is decreased accordingly.

b. Forfeiture of Annual Leave. Annual Leave in excess of permissible maximum accumulation is forfeited as of the beginning of business on the first day of the leave year.

4. Crediting Annual Leave

a. Full-Time Permanent Employees

(1) At the beginning of each leave year, full-time employees are credited with the amount of annual leave they will accrue during the leave year. Leave year is defined as the period beginning with the first day of the first complete pay period in the calendar year and ending with the day before the first complete pay period in the following calendar year.

(2) Full-time employees entering on duty during the year will be credited with the leave that will accrue to them during the remainder of the leave year.

b. Temporary, Part-Time, and Co-op Employees

(1) All temporary employees whose appointments are for 90 days or longer, part-time employees, and cooperative education students are credited with leave as it is earned. However, an employee whose current appointment is limited to less than 90 days is entitled to annual leave only after being employed for a continuous 90 days under successive appointments without a break in service. Any absence in excess of leave earned and accumulated must be charged as leave without pay.

(2) Upon conversion from a temporary to a permanent status, or at the completion of the student co-op program, the leave account will be credited with the balance of leave, which will be earned to the end of the leave year.

5. Requesting Annual Leave

a. Except in unforeseen circumstances, annual leave must be requested sufficiently in advance to permit fair and equitable scheduling of leave for all employees in the work unit while ensuring the efficient accomplishment of the unit's work.

b. In case of an unscheduled absence, the employee is expected to request approval as soon as possible (generally within the first 2 hours of the employee's workday).

c. Supervisors and employees are responsible for scheduling annual leave to provide a reasonable vacation period and to assure that annual leave is not forfeited at the end of the leave year.

6. Charging Annual Leave

a. Annual leave is charged in multiples of one-half hour.

b. Use of Standard Form (SF) 71, "Application for Leave." A period of leave in excess of one pay period (80 hours for full time) must be requested and authorized on SF 71, "Request for Leave or Approved Absence." Because of the importance of scheduling annual leave, particularly leave that could be forfeited due to limits on maximum accumulation, it may be desirable to schedule all substantial amounts of annual leave using SF 71. The T&A Clerk is responsible for maintaining all SF 71's and submitted medical certificates for 6 years or destroyed after a GAO audit.

c. Illness During a Period of Annual Leave. Illness during a period of approved annual leave may be charged to sick leave. If the sick leave is in excess of 3 days, SF 71 and a medical certificate or other evidence acceptable must be submitted to the approving official. Other acceptable evidence may be the employee's certification of the illness or the supervisor's knowledge of the illness.

7. Restoration Of Annual Leave

a. Summary. Annual leave to an employee's credit which is in excess of the maximum allowable accumulation is forfeited at the beginning of the new leave year. Exceptions to this rule are as follows:

(1) Administrative error when the error causes the loss of annual leave.

(2) An exigency of the public business or an operational demand of such importance requires the cancellation of scheduled annual leave and leave cannot be rescheduled.

(3) Sickness of the employee requires cancellation of scheduled annual leave and leave cannot be rescheduled.

b. Scheduling is Required

(1) Leave forfeited because of exigencies of the public business can be restored only if it was scheduled in writing on SF 71 no later than three pay periods before the end of the leave year; and the exigency of the public business which precluded the use of leave was approved by the Associate Director for Business Management.

(2) Similarly, leave which was forfeited because of sickness can be restored only if it was scheduled in writing on SF 71 no later than three pay periods before the end of the leave year.

c. **Supervisory Responsibility.** This requirement recognizes and reemphasizes the supervisor's long-standing responsibility for the planning and effective scheduling of annual leave. Employees also have an obligation to request annual leave in a timely manner. Still, failure to do so does not relieve supervisors of the responsibility to ensure that leave is scheduled. When employees do not request or use annual leave to avoid forfeiture, they are not entitled to have forfeited leave restored for later use.

8. Procedures For Exigencies

a. If an employee submits a timely written request for annual leave and the work situation and timing do not allow rescheduling to avoid forfeiture at the end of the leave year, the leave may be denied or canceled only if the Associate Director for Business Management determines there is an exigency of the public business of major importance, and that as a result, annual leave may not be used by employees to avoid forfeiture.

b. At least 3 days prior to canceling or denying an employee's scheduled leave as a result of an important work requirement, when rescheduling is impossible, the supervisor or office head must submit a letter to the Associate Director for Business Management requesting approval of the exigency. The letter must include:

- (1) A complete description of the exigency.
- (2) Reasons why employees cannot use scheduled annual leave and why the leave cannot be rescheduled prior to the end of the leave year.
- (3) The proposed beginning and ending dates of the exigency period.
- (4) A completed SF 71 for each employee affected by the exigency.

c. If the exigency is sudden, the request may be made orally to the Associate Director for Business Management and subsequently confirmed in writing.

d. The deciding official, in making a determination on the request, will consider the overall importance of the exigency, which involves such factors as: cost, productivity, work schedules, safety and health, the availability of reasonable alternatives for doing the work (such as assigning the work to other personnel who will not forfeit leave), and the effects of postponement or redefinition of the work requirements.

e. If an exigency is approved, the leave may be canceled. However, if the exigency is disapproved, the employee(s) must be allowed to take the scheduled leave. At the conclusion of the leave year, OHR will contact the Accounts Payable and Employee Services Branch and determine the exact amount of annual leave lost. Annual leave requested on SF 71 is the maximum amount which can be restored.

9. Restoration of Annual Leave Forfeited Because of Illness

a. To restore annual leave when an illness prevented the use of scheduled annual leave requires a letter for approval by the Head, POB. The letter must include:

- (1) A brief summary of the circumstances.
- (2) SF 71 scheduling the leave.
- (3) A doctor's statement for the period of incapacitation.
- (4) A statement that because the period of absence due to illness occurred so late in the leave year or was of such duration, the scheduled annual leave could not be rescheduled prior to the end of the leave year.

10. Special Leave Account

a. Annual leave restored to an employee because of administrative error, or when illness or an exigency of the public business preclude using annual leave, is placed in a separate leave account by the Accounts Payable and Employee Services Branch. This does not change an employee's maximum carryover balance. Restored leave must be used within 2 years. The 2-year period dates from the:

- (1) Termination date of the exigency; or
- (2) Date an employee is determined to be recovered and able to return to duty when sickness caused the forfeiture; and
- (3) Terminates at the end of the leave year in which the end of the second year occurs.

11. Scheduling Restored Leave

a. The supervisor and the affected employee must jointly work out a schedule for the use of the restored leave. As a minimum, this schedule is to include the number of hours to be taken by month during the 2-year period.

12. Sick Leave

a. General. Regardless of years of creditable service, full-time employees accrue 4 hours of sick leave at the beginning of each biweekly pay period of service. Part-time employees accrue 1 hour for each 20 hours in pay status. There is no limitation on the number of hours that may be accumulated.

b. Personal. Sick leave is provided for use by an employee when:

- (1) Incapacitated for the performance of duties by sickness, injury, or for pregnancy and confinement, or for medical, dental, or optical examination or treatment.

(2) Through exposure to contagious disease, duty by the employee would jeopardize the health of others.

NOTE: Contagious diseases are those ruled as subject to isolation of the patient or requiring restriction of movement by the patient for a specified period as prescribed by health authorities.

c. Federal Employees' Family Friendly Leave Act (Public Law 103-338, October 22, 1994)

(1) Federal Employees' Family Friendly Leave Act expands the use of sick leave as follows:

(a) Full-time employees may use a total of 40 hours or 5 work days of sick leave per leave year for general family care and bereavement in addition to personal sick leave. In addition, full-time employee who maintains a balance of at least 80 hours of sick leave may use an additional 64 hours of sick leave per year for the general purposes, bringing the total amount of sick leave available for general family care and bereavement to 104 hours or 13 work days per year. Alternatively, an employee may use up to 12 weeks/480 hours to care for a family member with a serious health condition. If an employee uses sick leave to care for a family member who is incapacitated (as opposed to seriously ill), the time (5 or 13 days) counts toward the 12 weeks allowed to care for a family member with a serious health condition.

(b) Part-time employees shall have available for family care or bereavement the number of hours equal to the average number of hours of work in the employee's scheduled tour of duty each week. In addition, a part-time employee who maintains a sick leave balance equal to at least twice the average number of hours of work in the employee's scheduled tour of duty each week may use an amount equal to the number of hours of sick leave normally accrued by the employee during a leave year. For example, a part-time employee who works 20 hours a week may use up to 52 hours per year or 6.5 days (half the maximum 13 days available to full-time employees). In this case, the employee must maintain a sick leave balance of 40 hours. Also, the employee may use up to 12 weeks or 240 hours of sick leave to care for the serious health condition of a family member as long as the employee maintains a sick leave balance of 40 hours.

(2) The expanded use of sick leave may be used by any employee who satisfies at least one of the following conditions:

(a) To provide care for a family member as a result of physical or mental illness, injury, pregnancy, childbirth, or medical, dental, or optical examination or treatment. The new act allows employees to use sick leave for purposes for which the individual would qualify personally.

(b) To make arrangements necessitated by the death of a family member or to attend the funeral of a family member.

(c) To provide care for a family member with a serious health condition as defined under the Family and Medical Leave Act (5 CFR Ch. 1, 630.1202). See Appendix G, Family and Medical Leave Act (FMLA).

NOTE: Family member is defined as spouse and parents, thereof; children (covers adult sons and daughters, and spouses, thereof); parents; brothers, sisters, and spouses, thereof; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

(3) If an employee does NOT have enough sick leave to cover the time needed to provide care for an ill family member or for bereavement purposes, a LF 54, "Request for Special Leave or Excused Absence," should be submitted through appropriate channels to POB, OHR.

NOTE: Advanced sick leave is only granted for purposes that will cause the employee to be in a leave without pay status for more than 3 working days. Also, the nature of the illness should be severe in nature. In addition, only the first 40 hours of sick leave (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) may be advanced.

For example:

Duty Status – Full Time Employee		
Sick Leave Balance	Sick Leave Limit Per Leave Year	Coverage
79.5 or less hours	40 hours per leave year	Care for incapacitated family member for bereavement. Maximum hours of advanced sick leave that may be requested is 40 hours.
80 or more hours	104 hours per leave year	Care for incapacitated family member or for bereavement. No advanced sick leave after 40 hours.
80 or more hours	480 hours per leave year	Care for serious health condition of family member. No advanced sick leave after 40 hours.
Duty Status – Part Time Employee Who Works 20 Hours a Week		
Sick Leave Balance	Sick Leave Limit Per Leave Year	Coverage
39.5 or less hours	20 hours per leave year	Care for incapacitated family member or for bereavement. Maximum hours of advanced sick leave that may be requested is 20 hours.
40 or more hours	52 hours per leave year	Care for incapacitated family member or for bereavement. No advanced sick leave after 20 hours.
40 or more hours	240 hours per leave year	Care for serious health condition of family member. No advanced sick leave after 20 hours.
Duty Status	Sick Leave Balance	Sick Leave Limit to Care for an Ill Family Member or for Bereavement
Part-time employee who works more or less than 20 hours per week	A balance to cover the proposed time frame due to absence	Equals the average number of hours worked per week
Part-time employee who works more or less than 20 hours per week	Twice the number of hours that the employee works in a regular work week	Equals the number of hours that the employee normally accrues during the leave year or up to 12 weeks of sick leave for the serious health condition of a family member

NOTE: The new sick leave policy is in addition to the Family and Medical Leave Act (FMLA). It permits an employee to use sick leave to care for family members who do not meet the definition of "spouse, son or daughter, or parent" under the FMLA.

(4) Also, an employee must exhaust sick leave available for family care (up to 12 weeks), in addition to their accrued annual leave, before an employee may apply for the VLTP and use donated annual leave to care for a family member.

d. Sick Leave for Adoption (Section 629(b) of Public Law 103-329, September 30, 1994)

(1) Federal employees are entitled to use sick leave for purposes related to the adoption of a child. In addition, employees may substitute sick leave retroactively for all or any portion of annual leave used for adoption-related purposes between September 30, 1991, and September 30, 1994.

(2) Responsibility of Approving Official. Supervisors are responsible for determining that the circumstances of absence are appropriate for the use of sick leave.

(3) Employee's Responsibilities. Employees are responsible for notifying their supervisors of absences on sick leave in a timely manner. When unable to report for duty because of illness, an employee must notify the supervisor or other appropriate person as early as possible on the first day of illness, within the first duty hour. Advance notice is required for absences for medical and dental appointments, optical examination, or scheduled treatment.

(4) In the case of extended absence due to illness or injury, the supervisor must be informed about the employee's condition (weekly) and when the employee may be able to return to duty.

e. Application for Sick Leave

(1) No written request is required for absences on sick leave of 3 consecutive days or less.

(2) SF 71 is required for a period of absence in excess of 3 consecutive workdays. It must be supported by a medical certificate or other evidence acceptable to the approving official. Other acceptable evidence may be the employee's certification of the illness or the supervisor's knowledge of the illness. The T&A clerk is responsible for maintaining all SF 71's and submitted medical certificates for 6 years or destroyed after a GAO audit.

f. Charging Sick Leave

(1) When sickness occurs during a period of annual leave, the period of illness may be charged to sick leave, and the charge to annual leave reduced accordingly. The minimum charge for sick leave will be one-half hour and additional charges will be in multiples thereof. Holidays and nonworkdays during a period of sick leave will not be charged to leave.

(2) Employees will be granted excused absence, not to exceed 1 hour, for visits to the Center's Occupational Health Clinic as a result of illness or injury which is not job related. Some examples would be for receiving advice or treatment for ailments such as headaches or colds, blood pressure checks, or receiving allergy injections. If time spent at the Occupational Health Clinic exceeds 1 hour, all the time spent at the Occupational Health Clinic will be charged to the appropriate type leave.

g. Abuse of Sick Leave. A supervisor who believes that an employee is abusing sick leave privileges should counsel the employee regarding sick leave usage. The supervisor must keep a record of the counseling session. If the situation does not improve, the supervisor must discuss the problem with POB, OHR. Depending on the circumstances, POB may authorize management to issue a written notice to the employee requiring the employee to furnish a medical certificate for each period of sick leave taken during the subsequent 6-month period.

h. Prohibition of Outside Employment During a Period of Sick Leave. Except in rare situations (involving extended periods of illness and confinement) where acceptable justification and approval of the Head, OHR, have been obtained, outside employment is prohibited while an employee is on sick leave.

i. Advance of Sick Leave. Sick leave may be advanced for adoption-related purposes or for serious disability or illness and when required by demands of the situation, when an employee has exhausted available sick leave. Sick leave advanced may not exceed 30 days (or 240 hours). In the case of family care and bereavement, only the first 40 hours of sick leave may be advanced for a full-time employee or a proportional amount for an employee on a part-time schedule or uncommon tour of duty (See 4.12.3.3, Federal Employees' Family Friendly Leave Act). Requests for advanced sick leave are to be made to the Head, POB, on LF 54, and must be substantiated in every case by a medical certificate.

(1) Employees Contemplating Separation by Retirement or Otherwise. When it is known at the time a request is made that the employee will not return to duty, advanced sick leave is not to be granted. The provisions for advancing sick leave apply only to employees whose employment will be continuing upon recovery.

(2) Settlement of Advanced Sick Leave. Annual leave may be substituted retroactively for advanced sick leave to clear indebtedness to the Government. The substitution of annual leave for sick leave to prevent forfeiture of annual leave is not permitted.

(3) Obligation to Repay Advanced Sick Leave. There is no obligation to repay indebtedness for advanced sick leave at the time of separation in the following instances:

- (a) In case of death of the employee;
- (b) When an employee retires or resigns due to disability; or
- (c) When an employee enters military service with restoration rights.

NOTE: For resignation or optional retirement due to disability, an employee must make a written request for a waiver of indebtedness, to the Head, OHR. This request must be substantiated by a medical certificate. This also applies to annual leave indebtedness due to illness which has been substantiated with a medical certificate.

13. Military Leave

a. Granting Leave

(1) In accordance with 5 USC Section 6323, eligible employees who are members of the National Guard or reserve components of the Armed Forces will be granted military leave for active duty and active duty training.

NOTE: Military leave requests should be coordinated with Accounts Payable and Employee Services Branch.

(2) Leave in this category accrues for an employee or individual at the rate of 15 days per fiscal year, and to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year.

(3) Military leave is charged based on the number of hours an employee was scheduled to work on a particular day. For full-time employees at LaRC, the charge is 8 hours per day of absence. A part-time employee will be charged the number of hours scheduled for each of his or her days of absence. Nonwork days falling within a period of military leave, such as holidays and weekends, are not charged against the 15 days allowed each year.

b. Physical Examination Related to Military Service

(1) An employee will be excused without charge to leave or loss of pay for the time required for a physical examination before induction into recall to active duty in the Armed Forces.

(2) LF 54, with a copy of the orders attached, must be submitted in advance for approval of the Head, POB, OHR. If the employee is required to be absent more than 1 workday, a justifying statement from the examining station must be obtained and submitted with LF 54 upon return to duty.

(3) An employee required to report for periodic physical examinations for retention of status in any Reserve component of the Armed Forces, or in the National or State Guard organizations, will be granted sick leave for the period of the physical examination. If the employee does not have sick leave credit, annual leave or leave without pay will be granted.

c. Completion of Military Leave. Military orders are required before posting military leave to TADS. Upon completion of the leave, Accounts Payable and Employee Services Branch, must be furnished certification by appropriate military authority that the active duty was performed. Failure to submit such certification may require charging annual leave or leave without pay (LWOP), instead of military leave.

14. Court Leave

a. Summary. An employee is entitled to court leave for jury or witness service in connection with a judicial proceeding to which the employee is summoned by a court or authority responsible for the conduct of that proceeding. The service as a juror or a witness is to be on behalf of a party other than the United States (U.S.), the District of Columbia (D.C.), or a private party.

NOTE: Judicial proceeding means any action, suit, condemnation, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

b. Witness Service as a Private Citizen. Witness service on behalf of a:

(1) State or local government, but as a private citizen (not in an official capacity) is charged to court leave.

(2) Private party, when the U.S., D.C., State or local government is also a party to the proceeding, is charged to court leave.

(3) Private party, when the U.S., D.C., State or local government is not a party to the proceeding, is charged to annual leave, compensatory leave, or LWOP, as appropriate.

c. Witness Service for the U.S. or D.C. or in Official Capacity as an LaRC Employee.

(1) Witness service on behalf of the U.S. or D.C. is considered official duty and is recorded as duty status. Witness service in an employee's official capacity or when producing official records either on behalf of a State or local government or a private party is also official duty and is recorded on T&A reports as duty status.

(2) Procedure. Employees summoned as witnesses must notify their supervisors in advance of their absence. A copy of the summons and a statement from the Clerk of the Court as to the days served by the employee must be furnished to the Accounts Payable and Employee Services Branch.

(3) Night-Shift Employees. Night-shift employees serving as witnesses on court leave or official duty during the day receive credit for the hours spent against their regular shift hours and are entitled to their night differential.

(4) Witness Fees

(a) An employee may not receive fees for service as a witness on behalf of the U.S. or D.C. An employee who testifies in an official capacity on behalf of a State or local government, or a private party, or in a nonofficial capacity on behalf of a State or local government, is required to collect the witness fees. Travel and subsistence expenses may be retained by the employee.

(b) An employee who testifies as a private citizen (not in an official capacity) on behalf of a private party when the U.S. or D.C. State or local government is not a party to the proceedings, may retain any fees, subsistence or travel expenses granted by the court.

d. Jury Service

(1) Center Policy. NASA considers jury duty a civic responsibility. It is Center policy to request release of employees from jury duty only in situations where the public interest is better served by an employee staying on the job; that is, where the services of an employee are absolutely necessary to meet important work deadlines. The Director, or designee, will submit a letter to the court explaining the facts and request that the employee be released from jury duty.

(2) Fees. Employees on jury service in a State or municipal court will be entitled to expenses incident to jury service as the court may direct. However, employees serving on a jury in a U.S. or D.C. court may not receive fees for services.

(3) Application for Leave. A statement from the Clerk of the Court as to the days served by the employee must be furnished to the Accounts Payable and Employee Services Branch.

(4) Night-Shift Employees. When a night-shift employee performs jury service during the day, jury leave is granted for regularly scheduled night tours of duty and the employee is entitled to the night differential.

(5) Interim Excuse from Jury Duty. When no hardship will result, an employee excused from jury duty for 1 or more days, or for that portion of the day which would permit performance of as much as 3 hours of the normal workday, is to return to duty or be charged for leave. The employee may not, however, be required to return to duty if it would work a hardship on the employee. For example, an employee engaged in night work or who lives a considerable distance from the place where the court is held need not return to work.

(6) Court Leave Guide. The following chart synthesizes the above instructions on absences of employees for court or court-related services. Shown are various conditions for absence and the T&A recording for each. Shown also are rights to (and retention of) fees for services rendered, and to payment of travel expenses.

Nature of Service	Type of Absence			Fees			Government Travel Expenses	
	Court Leave	Official Duty	Annual Leave or LWOP	No	Yes		No	Yes
					Retain	Turn in to Agency		
I. Jury Service								
A. U.S. or D.C. court	X			X			X	
II. Witness Service								
A. On behalf of U.S. or D.C. government		X		X				X
B. On behalf of State or local government								
1. In official capacity		X				X		X
2. Not in official capacity	X					X	X	
C. On behalf of private party								
1. In official capacity		X				X		X
2. Not in official capacity								
a. when a party is U.S., D.C., or State or local government	X					X	X	
b. when a party is not U.S., D.C., or State or local government			X		X		X	

Offset to the extent paid by the court, authority, or party which caused the employee to be summoned.

15. Excusable Absences

An excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave. Ordinarily, excused absences are authorized on an individual basis, except when the Center is closed, or a group of employees is excused from work for various purposes.

a. Excusing Employees for Voting

(1) Variable Day Schedule and First-40 employees are not entitled to excused absence for voting.

(2) Employees on standard and non-standard work schedules who desire to vote in any election or in referendums on a civic matter in their communities will be excused for a reasonable time if there is no great interference with operations. As a general rule, where the polls are not open at least 3 hours either before or after an

employee's regular hours of work, an amount of excused absence may be granted which will permit the employee to report for work 3 hours after the polls open or leave work 3 hours before the polls close, whichever requires less time off.

b. Excusing Employees to Register to Vote

(1) For employees who vote in jurisdictions which require registration in person, time off to register may be granted unless registration can be accomplished on a nonworkday and the place of registration is within reasonable distance (1-day, round-trip travel) of the employee's place of residence.

(2) When applicable, supervisors may excuse employees from duty for 1 hour so that they may register to vote.

(3) Supervisors must authorize these absences if the time requested falls within the general guideline stated above. Absence which exceeds the general rule requires the approval of the Head, POB, OHR, on LF 54.

c. Excused Absence Because of Hazardous Weather.

(1) Based on recommendations from designated sources responsible for assessing hazardous weather conditions, the Center Director or his designee determines when the Center should be closed for a day or a portion of a day.

(2) Conditions Developing During Working Hours

(a) When hazardous weather conditions develop during working hours and dismissal is authorized, supervisors will be notified to excuse employees who are in a duty status. Employees not in an actual duty status are to be charged the appropriate leave for the entire period of absence. Employees will be considered in actual duty status if they are:

(1) Actually on duty at the time of dismissal.

(2) Excused from duty (on annual, sick, court, or other leave) at the time of dismissal and are expected to return to duty before the end of their shifts.

(3) On duty when the early dismissal is announced, but requests and is granted leave between the notification of the early dismissal and the time of actual dismissal.

NOTE: Leave will be charged to employees who depart before the time of dismissal.

(3) Conditions Developing During Nonworking Hours

(a) When weather conditions require suspending or interrupting operations at the beginning of the workday, announcements will be made as early as possible over the LaRC Special Announcement System.

(b) The Center's emergency number is 864-2111. When a specific announcement is not made, personnel are to assume that normal working hours are in effect.

(c) Employees who are absent at the beginning of their shifts longer than authorized by the excused absence will be charged annual leave for that period of time for which they are absent in excess of the excused absence. However, if employees are prevented by hazardous weather conditions from arriving at their duty stations within the time authorized by the excused absence, they may request an extension by submitting LF 54 through organizational line management to the Head, POB, OHR.

(4) Conditions Developing While on Travel. Employees on travel will not be excused from duty if the Center is closed. Decisions on hours of duty for employees on travel, including excused absences, will be based on conditions at their travel site or host activity. Exceptions may be made if the Center's closure prevents the employee from performing their assigned duties.

(5) Telecommuting. Employees working at home (telecommuting) are not entitled to administrative leave on the day of a delayed opening or closure. They are expected to work as scheduled unless the condition causing the delayed opening or closure also prevents them from being able to perform their assigned work at home.

d. Excused Absences Involving Individuals or Small Groups of Employees.

(1) Excused absences involving individuals or small groups of employees resulting from hazardous weather conditions are authorized by the Head, POB, OHR, and must be requested within 5 workdays after returning to work, using LF 54. Such absences must be explained fully and, when approved, are granted without charge to leave. If a leave charge has been made prior to approval of LF 54, the T&A Clerk must make a correction.

(2) Blood Donor Program. Employees who donate blood as part of the American Red Cross Blood Donation Program at the Center, or in emergencies when authorized by the Occupational Health Services Office, will be excused without charge to leave for up to 4 hours per donation. This 4-hour period includes the time spent at the bloodmobile and is consecutive time off. If for recuperative reasons, longer than 4 hours is necessary, additional excused absence may be requested from the Head, POB, OHR, using LF 54. It is Center policy to encourage and support the participation of employees in this worthwhile program; therefore, supervisors should permit employees the benefit of the full 4 hours if the employee desires it.

(3) Organ and Bone Marrow Donations. Federal employees are entitled paid leave as authorized by appropriate statutes (in addition to annual or sick leave) to serve as a bone marrow or organ donor.

(4) Medical Examination or Treatment

(a) NASA Health Programs. When health programs are conducted by the Center, employees will be excused without charge to leave to participate in the programs. This provision is applicable to preventive medical programs, but not to treatment.

(b) Employees Suffering Disabling Job-Related Illness or Injuries. No leave of any kind is charged on the day the injury or illness occurs. If further absence is required for treatment or recovery, pay continuation (for traumatic injuries) up to 45 days, sick leave, annual leave, or LWOP will be authorized.

NOTE: Diagnostic examinations or tests for illnesses or injuries caused by job-related conditions, which are authorized and scheduled by a Federal medical officer, are considered official work time and are excused.

(5) Visits to Occupational Health Clinic (Nonjob-Related Illness or Injury)

(See Appendix D, paragraph 12)

e. Travel After Midnight. Employees who are required to perform official travel and who arrive at their residences after 12 midnight, may be excused, by their supervisors, for a reasonable length of time before reporting for duty, but not in excess of 8 hours. Absences are authorized on T&A and Cost Time Records.

f. Civil Defense

(1) Employees who participate in federally recognized civil defense programs may be excused, without charge to leave, for a reasonable amount of time up to a maximum of 40 working hours in any calendar year.

(2) Approval of the Head, POB, OHR, is to be requested on LF 54. Certification from Civil Defense authorities giving dates and times of participation must be received as soon as possible after duty is performed.

(3) Travel allowances and expenses may be authorized to cover any travel required by officially authorized Civil Defense training duty, provided action is approved in the same manner as other official travel.

g. Labor Organization Representative

(1) An employee serving officially as a labor organization representative may be excused to receive information, briefing, or orientation relating to matters of mutual concern to the Center and the employee. Matters of mutual concern include pay, working conditions, work schedules, grievance procedures, performance ratings, and adverse action appeals. Also included are Agency policy and negotiated agreements pertaining to the labor organization.

(2) Excused absence under this authority is subject to approval of the Center's Labor Relations Specialist on LF 54.

h. Participation in Military Funerals. Federal employees who are veterans may be excused up to 4 hours in any 1 day without a leave charge to participate in funeral services as pallbearers, members of firing squads, or honor guards. Any veteran requiring leave to participate in a military funeral must submit LF 54 for approval by the Head, POB, OHR.

i. Compensatory Time Off

Compensatory time off may be authorized in lieu of overtime pay for officially ordered or approved overtime work. (See Appendix H for further guidance.)

j. Funeral Leave

(1) An employee whose immediate family member dies of wounds, disease, or injury incurred while serving in a combat zone, may be granted up to 3 days funeral leave.

(2) Employees may use sick leave to plan or attend the funeral of a family member. Family member is defined as (a) spouse and parents, thereof; (b) children (covers adult sons and daughters and spouses, thereof); (c) parents and grandparents; (d) brothers and sisters, and spouses thereof; (e) any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

k. Graduate Study Leave. Graduate study leave is an excused absence from duty for a specified period of time, authorized by the Employee Development Branch, OHR, with concurrence from the employee's supervisor. Graduate study leave is used for attending graduate level courses only.

l. Duty Time for Training. Use of duty time for all types of training is covered in LAPD 3410.1, "Employee Development and Training."

m. Permanent Change of Station (PCS) (Relocation)

(1) Employees entering on duty or departing from LaRC will be allowed up to 16 hours of administrative leave to coordinate activities which are associated with a PCS. Employees must be in receipt of PCS orders to establish eligibility. The Head, OHR, may grant additional administrative leave should unusual circumstances or extraordinary reasons exist.

(2) First-level supervisors are delegated authority for determining if an employee's absence is related to PCS activities. Employees are required to schedule and have leave approved in advance of the absence(s). Employees may be granted administrative leave for any purpose or activity related to an official PCS requiring change of residence (e.g., receiving and unpacking household goods, filing of home mortgage applications, residential real estate settlements/closings, etc.). Personnel Specialists are available to advise supervisors and employees regarding appropriate use of administrative leave for relocation purposes.

(3) Administrative leave for relocation purposes must be used within 365 calendar days of the LaRC employees' entry-on-duty (EOD) date or, in cases of separation, after a release date has been arranged by the LaRC OHR and before actual date of separation. Administrative leave for relocation purposes must be recorded in the "Other Leave" of T&A reporting.

16. Absences Without Pay

a. LWOP. LWOP is absence from duty without pay. It may be used for short periods of sickness or similar purposes when an employee has no available paid leave, or for extended periods up to 52 weeks per request. Ordinarily, LWOP is not granted when employees have annual leave to their credit.

b. Extended LWOP

(1) Extended LWOP is all LWOP in excess of 30 consecutive calendar days. For approval of extended LWOP, there should be reasonable belief that the employee will return at the end of the approved period. In addition, at least one of the following benefits should result:

(a) Increased job ability.

(b) Protection or improvement of employee's health.

(c) Retention of a desirable employee.

(d) Furtherance of a program of interest to the Government (for example, Peace Corps volunteers).

(2) Examples of Eligible Cases for Extended LWOP. The following list includes, but is not limited to, examples of situations in which approving extended LWOP be appropriate:

(a) Educational purposes, when the course of study or research is compatible with work being performed by the Center and completion of the study would contribute to the Center's best interests.

(b) Services with non-Federal, public, or private enterprise, when the job is temporary and there is reasonable belief that the employee will return. Also, when one or both of the following will result:

(1) The service to be performed will contribute to public welfare.

(2) The experience to be gained by the employee will serve the interests of the Center.

(c) Recovery from illness or disability not of a permanent or disqualifying nature, when continued employment or immediate return to employment would threaten the employee's health, or the health of other employees.

(d) Protect employee status and benefits during a period pending final action by the Office of Personnel Management (OPM) on a claim for disability retirement.

(e) Protect employee status and benefits:

(1) During a period pending action by the Office of Workers Compensation Programs (OWCP), Department of Labor, on a claim resulting from work-related illness or injury.

(2) For at least 1 year, while being compensated by the OWCP, with extension in increments of 6 months or 1 year when the Center's review of the case indicates the employee may be able to return to work within 6 months or a year. When a review of the case indicates the employee cannot return to work, LWOP will not normally be extended. The employee is to be counseled regarding rights and benefits so that either disability retirement or employees' compensation may be elected.

(f) To avoid a break in service for employees who must relocate because they are dependents of military personnel or of Federal employees and who must move on rotational assignments or upon the transfer of a function or activity.

c. Request for LWOP

Approval must be obtained in advance for all LWOP except in emergencies. In an emergency, the nature of the absence must be explained as soon as possible.

Supervisors approve absences of LWOP for up to 30 consecutive calendar days. Absences of LWOP exceeding one pay period require SF 71. Approval of the Head, OHR, is required when granting LWOP in excess of 30 consecutive calendar days. LF 54 is to be used for this purpose.

d. Authorization for Employees to Return from Extended LWOP Earlier than Scheduled. Supervisors must notify the Head, POB, when an employee returns to pay status earlier than the first workday following the expiration of approved extended LWOP.

e. LWOP Because of Illness. A medical certificate or other evidence acceptable to the approving official is required when requesting LWOP for illness of more than 3 days.

f. Charging Leave. LWOP will be charged in units of one-half hour. Holidays occurring during a period of LWOP will be charged to LWOP. However, when an employee leaves duty at the close of business the day preceding a holiday or returns to duty at the beginning of business the day following a holiday, the holiday will not be charged to LWOP.

g. Effect of Nonpay Status on Annual and Sick Leave Credits and Other Benefits.

(1) Employees lose their annual and sick leave accruals for each full pay period during which they are on LWOP. Also, when employees are on periodic LWOP during the year, they will lose their annual and sick leave accruals for one pay period for each 80 hours of LWOP.

(2) While on LWOP, employees retain the following benefits:

(a) Promotional opportunities.

(b) Job retention rights as if in a duty status.

(c) Federal Employees' Group Life Insurance (FEGLI) coverage for up to 1 year without cost.

(d) NASA Employees Benefit Association (NEBA) insurance coverage for up to 1 year provided the employee continues to pay premiums.

(e) Service credit for retirement purposes for up to 6 months in each calendar year of absence of LWOP. (Full credit is allowed if absence is due to job-related disability.)

NOTE: Questions regarding effects of nonpay status on health benefits coverage are to be directed to MESB, OHR, extension 42605.

h. Absent Without Official Leave (AWOL). Absence of an employee from duty without authorization must be charged to absence without official leave and without pay. Upon return to duty, the employee must be counseled concerning the incident and given the opportunity to state their reasons for the absence. The supervisor must keep an informal record of the counseling session. After counseling, management should determine the appropriate leave charge. Flagrant or repeated cases of such absence may warrant disciplinary action. It is recommended that management confer with POB, OHR, concerning incidents of AWOL.

17. Absence For Maternity Reasons

a. General

(1) An absence covering pregnancy and confinement is to be treated like any other medically certified temporary disability. It is the Center's objective to provide gainful employment and make use of skills for as long as the employee is able to work.

(2) Absence for maternity reasons is a combination of as many as three separate kinds of leave: sick, annual, and LWOP. The same leave policies, regulations, and procedures applicable to requests for leave apply to absence for maternity reasons.

(3) Sick leave may be used to cover time required for physical examinations and the medically certified period of incapacitation. If, after delivery and recuperation, the employee desires a period of time for adjustment or to make child care arrangements, the time approved must be charged to available annual leave or to LWOP.

b. Continued Employment

(1) Employees planning to return to work. It is Center policy to assure continued employment in the employee's position or a position of like seniority, status, and pay, to the employee who wishes to return to work following delivery and confinement, unless termination is otherwise required by expiration of appointment, reduction in force, for cause, or similar reasons unrelated to the maternity absence.

(2) Employees not planning to return to work. An employee who is not planning to return to work must submit a resignation at the expiration of the period of incapacitation.

c. Period of Absence. The period of absence for maternity reasons is to be jointly established by the employee, employee's physician, and employee's supervisor.

d. Employee's Responsibility

(1) The employee must:

(a) Make known their intent to request leave as early as possible. The request must include the type of leave, approximate dates, and anticipated duration. This will allow the Center to prepare for required staffing adjustments.

(b) Contact MESB, OHR, for explanation of insurance coverage provided.

(c) Initiate the necessary forms to request leave and furnish medical certification of the incapacitation period.

(2) Where working conditions are more strenuous or hazardous than normal office conditions, the employee, after consultation with employee's physician, may wish to request temporary modification of working conditions to protect the employee's health and that of the unborn child.

e. Supervisory Responsibility

(1) The supervisor, employee, and employee's physician must determine the period of absence that is required. The exercise of supervisory authority in approving leave for attending to parental and family responsibilities must be consistent with other published NASA policies. Special efforts should be made by officials to try to accommodate such requests.

(2) If some modification of the employee's duties is requested to protect the employee's health or that of the unborn child, the supervisor must make every reasonable effort to accommodate the request. An employee may be required to furnish medical certification about the nature of the limitations recommended by the employee's physician.

(3) Supervisors may approve annual leave, sick leave, and LWOP (up to 30 calendar days) for maternity reasons.

f. LWOP (Exceeding 30 Calendar Days)

(1) LWOP for maternity reasons that exceeds 30 calendar days requires the approval of the Head, OHR, on LF 54.

(2) A male employee may request appropriate leave or LWOP to assist or care for his minor children or the mother of his newborn child while she is incapacitated for maternity reasons.

Appendix E - Voluntary Leave Transfer Program

1. Authorization. Public Law 103-103.

2. Purpose.

Allows for transfer of unused accrued annual leave from one employee to another due to a medical emergency.

3. Definitions

a. **Employee.** An individual who earns annual leave under provisions of 5 CFR, Chapter 63.

b. **Family Member**

(1) Spouse and parents thereof.

(2) Children, including adopted children, and spouses thereof.

(3) Parents.

(4) Brothers, sisters, and spouses thereof.

(5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

c. **Leave Donor.** An employee whose voluntary written request for transfer of annual leave to the leave account of a leave recipient is approved by the employing agency.

d. **Leave Recipient.** A current employee whose application to receive annual leave from accounts of leave donors has been approved.

e. **Medical Emergency.** Medical condition of employee or family member that is likely to require an employee's absence from duty for a period of time and result in a substantial loss of income because of the unavailability of accumulated, earned, or accrued paid leave.

f. **Paid Leave Status.** Administrative status while employee is using annual or sick leave accrued or accumulated under Subchapter I of Chapter 63, 5 CFR.

g. **Transferred Leave Status.** Administrative status while employee is using leave transferred or donated from the annual leave accounts of one or more donors.

4. Application To Become A Leave Recipient

a. Requests must be submitted on LF 197, "Voluntary Leave Transfer Program Application." Employees should not submit applications until such time as accumulated earned and accrued leave is exhausted. Completed applications shall be accompanied by a physician's statement, which gives:

- (1) The medical condition and severity;
- (2) The beginning date and anticipated end date of the medical emergency;
- (3) Prognosis for recovery and return-to-work status; and
- (4) If caring for an ill family member, the physician's statement shall also provide the required need to provide care, either full-time or part-time, in order to facilitate the recuperation of the family member.

5. Responsibilities

a. POB, OHR

- (1) Determine that absence from duty without accumulated, earned, or accrued paid leave is (or is expected to be) at least 24 continuous or interrupted hours. For part-time employees, the absence from duty without available paid leave is based on at least 30 percent of the average number of hours of work in an employee's biweekly scheduled tour of duty.
- (2) Shall not consider factors other than whether the total time absent from duty without available paid leave is (or is expected to be) at least 24 hours.
- (3) Shall notify Accounts Payable and Employee Services Branch of approved starting date of medical emergency.
- (4) Shall notify the leave recipient within 10 days (excluding Saturdays and Sundays and legal public holidays) after the date a complete application was received that:
 - (a) Application was approved;
 - (b) Other employees of NASA may request transfer of annual leave to account of leave recipient; or,
 - (c) Application was not approved and written explanation of reasons for disapproval.

NOTE: Personal reasons justifying an employee's request to become a leave recipient are kept strictly confidential, with access to documentation limited to the maximum extent consistent with reasonable implementation of the program.

b. Supervisor

- (1) Employee's supervisor must review and make a recommendation on the request to become a leave recipient before it may be approved. Supervisor must continually monitor the status of the medical emergency.
- (2) Transferred leave is subject to the same control as earned leave. The supervisor retains responsibility for determining that all transferred leave is used for the approved medical emergency.

c. Employee

- (1) Maintain communication with the supervisor in regard to the medical emergency.
- (2) Provide appropriate medical documentation as needed.
- (3) Submit to the supervisor, a written request to extend participation in the program when the medical emergency goes beyond the original approved timeframe.
- (4) Use transferred leave for the medical emergency only.
- (5) Inform the supervisor and POB in writing that the medical emergency has ended and participation in the program is no longer required.

6. Extension Of Medical Emergency

a. Employee. When an employee's medical emergency continues beyond the approved timeframe, the employee shall submit to the supervisor:

- (1) A request providing the reasons for continuing in the program.
- (2) Provide new medical documentation from the physician, as described in Appendix E, paragraph 4, Application to Become a Leave Recipient.

b. Supervisor. Supervisor must submit written recommendation and medical documentation to POB in support of an employee's continuing participation in the VLTP.

c. POB, OHR. Will notify the leave recipient within 10 days (excluding Saturdays and Sundays and legal public holidays) after receipt of the request and recommendation that:

- (1) Extension was approved; or
- (2) Extension was not approved and written explanation of reasons for disapproval.

7. Transfer Of Annual Leave

a. Procedures. Employees may submit voluntary requests on LF 199, "Request to Donate Annual Leave to Leave Recipient Under the Leave Transfer Program," or LF 383, "Request to Donate Annual Leave (Outside Agency) Under the Leave Transfer Program," that a specified number of hours of annual leave, including restored annual leave, be transferred to a specified leave recipient.

(NOTE: Sick leave, compensatory time, or credit hours cannot be donated.)

b. Restriction. Leave may not be donated to a leave donor's immediate supervisor.

c. Accrual of Annual and Sick Leave. When an employee is in transferred leave status at the beginning of the leave year, annual leave will not be advanced.

d. Limitations on Donations

(1) In any calendar leave year, a leave donor may donate no more than a total of one-half the amount of annual leave that the employee would be entitled to accrue during the leave year in which the donation is made.

That is:

Accrual rate of 8 hours biweekly = 208 earned per leave year = 104 hours that may be donated in a leave year.

Accrual rate of 6 hours biweekly = 160 earned per leave year = 80 hours that may be donated in a leave year.

Accrual rate of 8 hours biweekly = 104 earned per leave year = 52 hours that may be donated in a leave year.

(2) A leave donor who is projected to have annual leave subject to forfeiture at the end of the leave year may donate no more than the lesser of:

(a) One-half of the amount of annual leave that would be accrued during the leave year in which the donation is made; or

(b) The number of hours remaining in leave year (as of the date of the transfer) for which the leave donor is scheduled to work and receive pay (excludes holidays).

e. Use of Transferred Leave

- (1) Personal Medical Emergency - When a medical emergency applies to an employee, any annual or sick leave, credit hours or compensatory hours accumulated, accrued, or earned (prior to the date the application was approved) and available for use during the medical emergency, must be exhausted before any donated leave may be used.
- (2) Family Member Emergency - When a medical emergency applies to a family member, all accumulated, accrued, or earned annual leave must be exhausted, and the employee must exhaust available sick leave for family care (i.e., up to 12 weeks) before any donated leave may be used.
- (3) While in transferred leave status, donated annual leave may only be used to cover the approved medical emergency and not for vacation or other personal business.

f. Options

- (1) Transferred annual leave may be substituted retroactively for periods of LWOP or used to reduce indebtedness caused by use of annual leave made available at the beginning of the year; or to liquidate an indebtedness for advanced annual or sick leave granted on or after October 31, 1988, or a later date fixed by the approving official as the beginning of the period of medical emergency for which LWOP or advanced annual or sick leave was granted.
- (2) Upon termination of the medical emergency, any unused balance of annual leave the employee could earn during the remainder of the leave year should be credited and made available for use.

g. Restrictions. Transferred annual leave may not be:

- (1) Transferred by the leave recipient to another leave recipient. The original donor may, however, donate to another leave recipient.
- (2) Included in a lump sum payment upon separation from the service.
- (3) Made available for recredit upon reemployment by a Federal Agency.

h. Restoration of Transferred Annual Leave

- (1) Any transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates shall be restored, to the extent administratively feasible, by transfer to the accounts of the leave donors.

(2) At the election of the leave donor, unused-transferred annual leave restored to the leave donor may be restored by:

(a) Crediting restored annual leave to the donor's annual leave account in the current leave year; or

(b) Crediting restored annual leave to the donor's annual leave account effective as of the first day of the first leave year beginning after date of election; or

(c) Donating leave in whole or part to another leave recipient.

(3) Termination of Medical Emergency. When a medical emergency terminates as determined by the approving official in accordance with OPM regulations, no further requests for transfer of annual leave may be granted, and any unused transferred annual leave remaining to the credit of the leave recipient shall be restored to the leave donors. In addition, the employee must notify his/her supervisor and POB in writing that the medical emergency has ended and participation in the program is no longer required.

i. Prohibition of Coercion. An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using annual leave.

Appendix F - Emergency Leave Transfer Program (ELTP)

1. Authorization. Public Law 105-18 added Section 6391 to Title 5, U.S.C.

2. Purpose

Provides that in the event of a major disaster or emergency, the President has the authority to direct the OPM to create a special Emergency Leave Transfer Program to permit the transfer of annual leave to employees who are adversely affected by such disaster or emergency (such as a flood or earthquake that has destroyed an employee's property).

3. Definitions

a. **Disaster or Emergency.** A major disaster or emergency, as declared by the President, that results in severe adverse effects for a substantial number of employees (e.g., loss of life or property, serious injury, or mental illness as a result of a direct threat of life or health).

b. **Employee.** Any individual who is defined as an "employee" in 5 U.S.C. 6331 (1) and who is employed in an Executive agency.

c. **Family Member**

(1) Spouse and parents thereof.

(2) Children, including adopted children, and spouses thereof.

(3) Parents.

(4) Brothers, sisters, and spouses thereof.

(5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

d. **Emergency Leave Donor.** A current employee whose voluntary written request for transfer of annual leave to an emergency leave transfer program is approved by the employing agency.

e. **Emergency Leave Recipient.** A current employee whose application to receive annual leave from an emergency leave transfer program has been approved by the employing agency.

f. **Paid Leave Status.** Administrative status while employee is using annual or sick leave accrued or accumulated under Subchapter I of Chapter 63, 5 CFR.

g. Transferred Leave Status. Administrative status while employee is using leave transferred or donated from an emergency leave transfer program.

4. Notification

a. Following a declared emergency by the President and notification from OPM of the establishment of an emergency leave transfer program in which the Center or other Executive Agency has been affected by a major disaster or emergency, OHR will notify employees to submit an application and/or requests for donations. LF 382 is used as the Application to Become a Leave Recipient Under the Emergency Leave Transfer Program. LF 384 is used as the Request to Donate Annual Leave Under the Emergency Leave Transfer Program.

NOTE: Affected Center employees would not have to exhaust their own accumulated leave before qualifying for transferred leave. Employees in any executive agency will be able to donate annual leave to affected employees in the same agency or other agencies.

5. Responsibilities

a. Office of Human Resources (OHR)

- (1) Determine whether, and how much, donated annual leave is needed by affected employees.
- (2) Determine the period of time during which employees must apply to become an emergency leave recipient after the occurrence of a major disaster or emergency.
- (3) Determine the period of time for which donated annual leave may be accepted for distribution to approved leave recipients.
- (4) Approve leave donors and/or leave recipients.
- (5) Facilitate the distribution of donated annual leave from approved leave donors to approved leave recipients.
- (6) Notify Accounts Payable and Employee Services Branch of the approved starting date of the emergency or disaster.

b. Supervisor

- (1) Supervisor must continually monitor the status of the leave recipient's emergency.

(2) Transferred leave is subject to the same control as earned leave. The supervisor retains responsibility for determining that all transferred leave is used for the approved emergency or disaster.

c. Employee

(1) Maintain communication with the supervisor in regard to the emergency or disaster for which they were approved.

(2) Provide appropriate documentation as needed.

(3) Use transferred leave for the emergency or disaster only.

6. Application to Become An Emergency Leave Recipient

a. Employees should not submit applications until notification is received from OHR.

b. Requests must be submitted on LF 382. Employees must submit any additional information requested by the Center in support of their application and request for donated leave under the ELTP.

c. Employees may submit a LF 382 to become an emergency leave recipient who has a family member who has been adversely affected by a disaster or emergency.

d. OHR will notify the leave recipient within 10 calendar days (excluding Saturdays and Sundays and legal public holidays) after the date a complete application was received that:

(1) Application was approved.

(2) Application was not approved and written explanation of reasons for disapproval.

e. An employee approved as an emergency leave recipient may use donated annual leave without having to exhaust available annual or sick leave.

NOTE: Personal reasons justifying an employee's request to become an emergency leave recipient are kept strictly confidential, with access to documentation limited to the maximum extent consistent with reasonable implementation of the program.

7. Transfer Of Annual Leave

a. Procedures. Employees may submit voluntary requests on LF 384 that a specified number of hours of annual leave, including restored annual leave, be transferred to an emergency leave transfer program.

(NOTE: Sick leave, compensatory time, or credit hours cannot be donated.)

8. Limitations/Restrictions on Donations

a. A leave donor may not contribute more than 104 hours of annual leave in a leave year (regardless of accrual rate).

b. The minimum unit for donating leave is one hour.

c. An emergency leave recipient may receive a maximum of 240 hours of donated leave at any one time for each disaster or emergency.

d. Annual leave donated to an emergency leave transfer program may not be transferred to another emergency leave transfer program established for a different disaster or emergency.

e. Employees may use donated annual leave to assist a family member adversely affected by a major disaster or emergency, provided the family member has no reasonable access to other forms of assistance.

9. Use of Transferred Leave

a. While in transferred leave status, an approved recipient must use donated annual leave for purposes related to the disaster or emergency in which the recipient was approved.

10. Options

a. Transferred annual leave may be substituted retroactively for any period of LWOP used or to liquidate an indebtedness incurred by the emergency leave recipient for advanced annual or sick leave used for the disaster or emergency.

11. Restoration of Transferred Annual Leave

a. When a disaster or emergency affecting an emergency leave recipient is terminated, any annual leave donated to an emergency leave transfer program that is not used by an approved recipient will be returned to the leave donors, on a pro-rated basis.

b. At the election of the emergency leave donor, unused-transferred annual leave restored to the leave donor may be restored by:

- (1) Crediting restored annual leave to the donor's annual leave account in the current leave year; or
- (2) Crediting restored annual leave to the donor's annual leave account effective as of the first day of the following leave year.

12. Termination of Disaster or Emergency

- a. The disaster or emergency affecting an emergency leave recipient terminates:

- (1) When the Center or OPM determines that the disaster or emergency has terminated.
- (2) At the end of the biweekly pay period in which the employee notifies the Center that he/she is no longer affected by the disaster or emergency. The employee must notify his/her supervisor and POB in writing that the disaster or emergency has ended and participation in the program is no longer required.

13. Prohibition of Coercion

- a. An employee may not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using annual leave.

Appendix G - Family and Medical Leave Act (FMLA)

1. Summary

a. The FMLA provides family and medical leave to Federal employees by prescribing an entitlement to a total of 12 administrative workweeks of unpaid leave during any 12-month period for certain family and medical needs.

NOTE: This leave is in addition to any other annual leave, sick leave, compensatory time, credit hours, or LWOP. FMLA is not paid leave; to be in a pay status employees may elect to use sick leave or annual leave in lieu of leave without pay or must use an alternative leave. See Appendix E for information and guidance concerning the Voluntary Leave Transfer Program and Appendix D concerning the Federal Employees' Family Friendly Leave Act (FEFFLA).

2. Purpose

a. The FMLA is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote the national interest in preserving family integrity.

3. Entitlement To Leave

a. An employee is entitled to a total of 12 administrative workweeks of unpaid leave during any 12-month period for one or more of the following reasons:

(1) The birth of a son or daughter of the employee and the care of such son or daughter; or

(2) The placement of a son or daughter with the employee for adoption or foster care; or

(3) The care of a spouse, son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition; or

(4) A serious health condition of the employee that makes the employee unable to perform the essential functions of the employee's position.

b. An employee must invoke his or her entitlement to leave under the FMLA. Employees should use LF 54 when invoking FMLA.

c. An employee may not retroactively invoke the entitlement for FMLA leave, unless he or she or the personal representative of the employee is physically or mentally incapable of invoking the entitlement during the entire period of absence. In that case, the employee must invoke the entitlement within 2 work days after returning to work. The incapacity of the employee must be documented by a written medical certification from a health care provider. In addition, the employee must provide documentation

acceptable to the Center explaining the inability of the personal representative to contact the Center and invoke the employee's entitlement to FMLA leave.

d. Under certain conditions, FMLA leave may be taken intermittently, or the employee may work under a work schedule that is reduced by the number of hours of leave taken as family and medical leave. An employee may elect to substitute other paid time off (i.e., annual and sick leave and advanced annual and sick leave—not compensatory time or credit hours) for any unpaid leave under FMLA. An employee could invoke FMLA and elect to substitute their available family care sick leave (up to 12 weeks) for periods of unpaid leave under the FMLA to care for a “spouse, son or daughter, or parent” with a serious health condition. FMLA leave is in addition to other paid time off available to an employee.

4. Serious Health Condition

a. Reference: 5 CFR Ch. 1, Part 630.1202

b. Serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

(1) Inpatient care (i.e., an overnight stay) in a hospital, hospice or medical care facility.

(2) Continuing treatment or supervision by a health care provider.

c. Serious health condition covers chronic medical conditions, such as asthma, diabetes and epilepsy and such conditions as cancer, heart attacks, strokes, severe injuries, alzheimer's disease, pregnancy, and childbirth. It is not intended to cover short-term conditions for which treatment and recovery are brief (i.e., common cold, flu, earaches, upset stomachs, headaches, routine dental or orthodontia problems, etc.)

5. Notice of Leave

a. When the need for leave is foreseeable, an employee must provide notice of intent to take leave not less than 30 days before the date the FMLA leave will commence or provide as much notice as practicable. Medical certification issued by the health care provider may be requested for FMLA leave taken to care for an employee's spouse, son, daughter, or parent with a serious health condition (family leave) or for the employee's serious health condition (medical leave). In the case of the birth of a child, a copy of the birth certificate will be adequate documentation. Employees must provide medical certification of a serious health condition no later than 15 calendar days after the Center requests it, or 30 days if the shorter period is not practicable. If the employee does not comply with notification requirements and/or fails to provide the requested medical certification, the absence is not FMLA leave, and another appropriate designation must be made (annual leave, sick leave, leave without pay (LWOP) or absence without official leave (AWOL)).

6. Counting of FMLA Leave

- a. The 12 administrative workweeks of leave will be calculated on an hourly basis and will equal 12 times the average number of hours in the employee's regularly scheduled administrative workweek.
- b. The number of hours of leave taken intermittently or on a reduced leave schedule will be subtracted, on an hour-for-hour basis, from the total amount of leave available to the employee.
- c. FMLA leave may be charged only on days that an employee is scheduled to be in a duty status, not counting holidays set by statute and those days authorized through other authorities (e.g., snow days). These days would not be counted toward the 12-week entitlement to family and medical leave.
- d. LF 385, "Record of Employee's Use of Family and Medical Leave," should be used to track an employee's use of FMLA leave. Tracking the usage of this leave has been mandated by the Office of Personnel Management.

7. Protection of Employment Benefits

- a. An employee who takes FMLA leave is entitled, upon return from leave, to be returned to the same position or to an "equivalent position with equivalent benefits, pay, status, and other terms and conditions of employment".

8. Federal Employees Health Benefits (FEHB) Program

- a. Under the FEHB law, coverage continues for up to 365 days in a nonpay status. The FMLA provides that employees who are granted leave under the act must pay their share of the premiums on a current basis or pay upon return to work.

9. Responsibilities

- a. Employee

(1) Complete Section I, LF 54. Check Block 7, "FMLA leave," and enter the appropriate pay status the employee wishes to utilize during this period in the "Justification" block.

(2) Submit attending physician's statement or Form WH-380, Certification of Health Care Provider, completed by the attending physician, and forward with LF 54 through line management to the Head, POB, OHR.

NOTE: If additional information or forms are needed, contact the POB, OHR, extension 42558.

b. Line Management

- (1) Route for informational purposes.

Appendix H - Overtime Administration

1. Summary.

This appendix sets forth the Center's requirements, responsibilities, and policy concerning overtime.

2. Definitions

a. Overtime. Except for certain employees assigned to a First 40-Hour Tour of Duty, each hour of work in excess of 8 hours in a day, or in excess of 40 hours in an administrative workweek that is officially ordered and approved, and performed by the employee, is overtime work. The minimum credit for overtime worked is one-half hour.

b. Compensatory Time Off. Absence from duty authorized in lieu of overtime pay for officially ordered or approved overtime. (Employees must first be eligible to be paid overtime pay before they can be granted compensatory time off leave in lieu of overtime pay.)

3. Coverage

a. Employees not covered by the FLSA are referred to as "exempt". Overtime rules for exempt employees can be found in 5 CFR Part 550.

b. Employees covered by the FLSA are referred to as "nonexempt". Overtime rules for nonexempt employees can be found in 5 CFR Part 551.

4. Compensatory Time Off In Lieu Of Overtime Pay For Exempt Employees Whose Salary Exceeds GS-10/10

a. An exempt employee whose rate of basic pay exceeds the maximum rate for GS-10 is required to take compensatory time off instead of overtime pay.

5. Maximum Limitation On Paid Overtime And Compensatory Time

a. Premium pay or compensatory time off is only allowed to the extent that the employee's aggregate salary rate per pay period does not exceed the maximum rate for a GS-15. No premium payments or compensatory time off may be granted to an employee whose rate of pay is equal to or is greater than the maximum rate of GS-15.

6. Compensatory Time Off For Religious Purposes

- a. Employees may elect to work compensatory time to take time off without charge to leave when personal religious beliefs require them to abstain from work during certain periods of the workday or workweek. An employee's request to work compensatory time for this purpose may be denied if such modifications in schedules would interfere with the efficient accomplishment of work.
- b. Compensatory time for this purpose may be worked either before or after granting compensatory time off. Supervisors must ensure that the employee works the time within a reasonable period, and that it is recorded in TADS.

7. Compensatory Time

a. General

- (1) Exempt employees whose salaries exceed the maximum rate for GS-10 are automatically granted compensatory time off in lieu of paid overtime.
- (2) Exempt employees whose salaries are equal to the maximum rate of a GS-10 or lower, are paid overtime unless they request compensatory time off in lieu of paid overtime.
- (3) Nonexempt employees are paid overtime unless they request compensatory time off in lieu of paid overtime.

b. Seven Pay Period Limitation

- (1) Authorized compensatory time must be used within seven full pay periods following the pay period in which the overtime was worked. However, for compelling reasons, extensions may be granted to the seven pay period limitation.
- (2) Extensions must be requested by letter, through organizational line management, to the Deputy Chief Financial Officer. If approved, Accounts Payable and Employee Services Branch will notify the appropriate T&A Clerk. The request must be submitted prior to the expiration of the seven pay period limitation.

NOTE: Supervisors are responsible for ensuring that eligible employees are granted compensatory time off within the prescribed time limit or any authorized extension.

c. Failure to Use Compensatory Time

- (1) Exempt employees who fail to use the compensatory time off before the time limit stated above, or any authorized extension, lose their right to compensatory time off and to overtime pay, unless failure is due to a demand of the service beyond the

control of the employee. A letter explaining the demand and requesting restoration of the forfeited compensatory time must be sent through organizational line management to the Deputy Chief Financial Officer.

(2) Accounts Payable and Employee Services Branch will advise the appropriate T&A Clerk if the request is approved.

(3) Nonexempt employees who fail to take authorized compensatory time off prior to the seven pay period limitation or any authorized extension, will be paid for all overtime worked in a given workweek.

d. Request for Paid Overtime for Exempt Employees Whose Salary Exceeds GS 10/10

Exempt employees whose salaries exceed the maximum rate for a GS-10 are required to take compensatory time off instead of overtime pay. However, there are instances where the projected workload would make the granting of compensatory time off very difficult. In these instances, a letter requesting overtime pay must be sent through organizational line management to the Deputy Chief Financial Officer. Waivers granted to these employees will be for a maximum of 3 months. If the reasons for paying the employee are still valid at the end of the 3-month period, a new request must be submitted. (A similar letter is required when requesting premium pay for an employee whose salary exceeds the maximum rate for a GS-10 who performs work on a holiday.)

Appendix I - Acroynms

AWOL	Absent Without Official Leave
CFR	Code of Federal Regulations
D.C.	District of Columbia
EOD	Enter on Duty
FMLA	Family and Medical Leave Act
GS	General Schedule
FEGLI	Federal Employees' Group Life Insurance
FEHB	Federal Employees Health Benefits
FLSA	Fair Labor Standards Act
IPA	Intergovernmental Personnel Act
LPR	Langley Procedural Requirements
LaRC	Langley Research Center
LHB	Langley Handbook
LWOP	Leave Without Pay
MESB	Management and Employee Support Branch
NEBA	NASA Employees Benefit Association
OHR	Office of Human Resources
OPM	Office of Personnel Management
OWCP	Office of Workers Compensation Programs
PCS	Permanent Change of Station
POB	Personnel Operations Branch
SES	Senior Executive Service
SF	Standard Form
T&A	Time And Attendance
TADS	Time and Distribution System
TDY	temporary duty
U.S.	United States
VDS	Variable Day Schedule

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